APPENDIX E

OFFICE of the CLERK
UNITED STATES COURT of APPEALS
for the NINTH CIRCUIT

NOTICE OF ENTRY OF JUDGMENT

Judgment was entered in this case as of the file date on the attached decision of the Court.

MANDATE (FRAP 41)

The mandate will issue seven (7) calendar days after the expiration of the time for filing a petition for rehearing or seven (7) calendar days from the denial of a petition for rehearing, unless the Court directs otherwise. If a stay of mandate is sought, an original and three (3) copies of the motion must be filed.

PETITION FOR REHEARING (FRAP 40)

Filing Time: A petition for rehearing may be filed within fourteen (14) days from entry of judgment. If the United States or an agency or officer thereof is a party in a civil appeal, the time for filing a petition for rehearing is 45 days from entry of judgment.

An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency, or officer thereof is a party, 45 days after the date of the order of publication. If the mandate has

issued, the petition for rehearing should be accompanied by a motion to recall the mandate.

Purpose: A petition should only be made to direct the Court's attention to one or more of the following situations:

1. A material point of fact or law overlooked in the decision.

2. A change in the law which occurred after the case was submitted and which appears to have been overlooked by the panel.

3. An apparent conflict with another decision of the Court which was not addressed in the opinion.

Petitions which merely reargue the case should not be filed.

Statement of Counsel: A petition shall contain an introduction stating that, in counsel's judgment, one or more of the situations described in Purpose, section above, exist. The points to be raised must be clearly stated. Lacking such a statement, the petition will not be filed.

Form: The fifteen (15) proportionally spaced or monospaced face page limit allowed by FRAP 40 must be observed and the petition must comply in form with FRAP 32. Three (3) copies of the petition and the original are required unless the petition includes a suggestion for rehearing en banc. If it does, fifty (50) copies and the original must be filed.

The petition: (1) must be directed to the Clerk of Court, (2) contain an original signature of the counsel/pro per litigant submitting the petition; and, (3) indicate complete proof of service to all parties.